IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3400 OF 2002

IN

SUIT NO.3419 OF 2002

Pinkrose Coop Hsg.Scty Ltd .. Plaintiff

versus

1.Afroz Ali Sadat & ors .. Defendants

...

Mr.H.S.S.Murthy for Plaintiff.

Mr. Prakash Ganwani i/b Solomon & Co for Defendants

CORAM : D.G. KARNIK, J

DATED : 20th January 2005.

P.C:-

1. Heard learned counsel for the parties. This motion is taken out in a suit for recovery of money allegedly due from the defendants. By prayer (a) the plaintiff wants a direction to the defendants to deposit the money. This would virtually amount to decreeing of a suit before trial and therefore the

prayer cannot be granted. As regards prayer clause (c) any person having right in a property is entitled to transfer the same under section 6 of the Transfer of Property Act. In the circumstances, no relief restraining the defendants from alienating their rights can also be granted. Hence, motion is dismissed.

D.G.KARNIK, J